

[REDACTED]

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**From:** Anwar, Haroon (CIV) <Haroon.Anwar@usdoj.gov>

**Date:** Friday, April 25, 2025 at 6:38 PM

**To:** Laura Baughman - Weitz & Luxenberg <lbaughman@weitzlux.com>, Kevin Dean <KDean@motleyrice.com>

**Cc:** J Edward Bell <jeb@belllegalgroup.com>, Zina Bash <zina.bash@kellerpostman.com>, Margaret Scalise - Motley Rice <mscalise@motleyrice.com>, Havai, Deanna <dhavai@motleyrice.com>, Dawn Bell <DBell@belllegalgroup.com>, Devin Bolton - Robin Greenwald <dbolton@weitzlux.com>, O'Leary, Allison (CIV) <Allison.O'Leary@usdoj.gov>, Bain, Adam (CIV) <Adam.Bain@usdoj.gov>, Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>, Antonucci, Giovanni (CIV) <Giovanni.Antonucci@usdoj.gov>, Silverstein, Kailey (CIV) <Kailey.Silverstein@usdoj.gov>, Horan, Alanna R. (CIV) <Alanna.R.Horan@usdoj.gov>, Mirsky, Sara J. (CIV) <Sara.J.Mirsky@usdoj.gov>, Anwar, Haroon (CIV) <Haroon.Anwar@usdoj.gov>

**Subject:** RE: Follow-up regarding Hennet and Spiliotopoulos depositions and related document production

Laura and Kevin,

As I mentioned in my letter, we're working to produce more detailed invoices or timekeeping records related to SSPA's work in the CLJA litigation. These billing records will identify things like "the person doing the work; the task being done; and the number of hours worked." We expect to make that production by the end of next week. We're also working to identify and gather available compensation information related to past Camp Lejeune litigation and will supplement our production once we have it.

Regarding the 2005 expert panel notes, I raised this in a prior meet and confer, but we believe those are protected as work-product under Rule 26 and CMO 17. CMO 17, ¶ 3(b) protects "*Any retained, testifying expert's notes, unless the notes constitute (i) the only record of a fact or data considered or an assumption relied upon by the expert in formulating an opinion in this case, or (ii) interview notes of persons on any Party's witness list if the retained expert participated in or conducted the interview and considered the notes in forming the opinions in his or her final report...*" In the attached email, PLG withheld notes on the basis that "the purpose of CMO 17, paragraph 3(b), is plainly to allow the parties to obtain discovery of notes *where other sources of discovery would not reveal the information contained within the notes.*" Here, there are 2 days and nearly 500 pages of transcript verbatim reflecting the information discussed at the 2005 expert panel.

Regarding the “interview summaries,” they do not exist. We checked and confirmed that Dr. Spiliotopoulos did not take and does not have notes or interview summaries from his visit to Camp Lejeune. The reference to “interview summaries” is boilerplate language that was missed and didn’t get removed from Dr. Spiliotopoulos’ report. When you asked him about it during his deposition, he was confused because he had not actually taken any notes. My understanding is there was a similar misunderstanding during Dr. Sabatini’s deposition. He testified to reading Dr. Longley’s expert report and then said he didn’t on your re-direct. Sabatini Dep., 275:15-21; 348:10-350:12.

Lastly, we made two requests for documents during Dr. Sabatini’s deposition:

- Billing records from 2023 and 2025, to the extent he has billed this year. Sabatini Dep., 17:5-18:17; 24:5-11.
- PowerPoint he uses in his class when discussing Camp Lejeune. Sabatini Dep., at 39:15-40:15.

Could you please let us know the status of those requests?

Happy to meet and confer next week to discuss any of these issues further. Thanks.

Haroon



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**From:** Dean, Kevin R. <kdean@motleyrice.com>

**Sent:** Thursday, April 24, 2025 9:56 AM

**To:** Baughman, Laura <lbaughman@weitzlux.com>; Anwar, Haroon (CIV) <Haroon.Anwar@usdoj.gov>

**Cc:** Ed Bell <jeb@belllegalgroup.com>; zina.bash <zina.bash@kellerpostman.com>; Scalise Johnson, Margaret <mscalise@motleyrice.com>; Havai, Deanna <dhavai@motleyrice.com>; Dawn Bell <dbell@belllegalgroup.com>; Bolton, Devin <dbolton@weitzlux.com>; O'Leary, Allison (CIV) <Allison.O'Leary@usdoj.gov>; Bain, Adam (CIV) <Adam.Bain@usdoj.gov>; Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>; Antonucci, Giovanni (CIV) <Giovanni.Antonucci@usdoj.gov>; Silverstein, Kailey (CIV) <Kailey.Silverstein@usdoj.gov>; Horan, Alanna R. (CIV) <Alanna.R.Horan@usdoj.gov>

**Subject:** [EXTERNAL] RE: Follow-up regarding Hennet and Spiliotopoulos depositions and related document production

Haroon, good morning and sorry to double team, but I need to add regarding the billing records for these experts a renewed request for all the documents that Dr. Hennett identified that exist as it relates to billing records which are related to Dr. Hennett and SSPA work at Camp Lejeune (he provided detailed identity of how SSPA compiles time in a software program and referred all of us to an administrator for further information) as requested in the Subpoena served prior to his deposition. As you are aware, SSPA contracted with the DOJ at least by 11/30/2005, and records indicate he was doing work for the Navy and others including the GSA prior to that, but we don't have specificity as to the work being done and by whom as Laura mentioned. Also, the SSPA produced billing only starts in 2022. If we could have you provide the promised updates by tomorrow, then we could be in a better position Monday to try to work out a resolution on the billing records issue. If you are not going to produce any billing records prior to 2022, then just so confirm and we will be in a position to advise the Court and move to compel.

Thank you,

Kevin



**Kevin Dean**  
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**From:** Baughman, Laura <lbaughman@weitzlux.com>

**Sent:** Thursday, April 24, 2025 9:45 AM

**To:** Anwar, Haroon (CIV) <Haroon.Anwar@usdoj.gov>

**Cc:** Ed Bell <jeb@belllegalgroup.com>; zina.bash <zina.bash@kellerpostman.com>; Scalise Johnson, Margaret <mscalise@motleyrice.com>; Havai, Deanna <dhavai@motleyrice.com>; Dawn Bell <dbell@belllegalgroup.com>; Dean, Kevin R. <kdean@motleyrice.com>; Bolton, Devin <dbolton@weitzlux.com>; O'Leary, Allison (CIV) <Allison.O'Leary@usdoj.gov>; Bain, Adam (CIV) <Adam.Bain@usdoj.gov>; Lipscomb, Bridget (CIV) <Bridget.Lipscomb@usdoj.gov>; Antonucci, Giovanni (CIV) <Giovanni.Antonucci@usdoj.gov>; Silverstein, Kailey (CIV) <Kailey.Silverstein@usdoj.gov>; Horan, Alanna R. (CIV) <Alanna.R.Horan@usdoj.gov>

**Subject:** RE: Follow-up regarding Hennet and Spiliotopoulos depositions and related document production

CAUTION:EXTERNAL

Haroon:

As stated in the PLG's portion of the Joint Status Report filed on April 21, 2025, PLG maintains that it is entitled to billing records for Dr. Spiliotopoulos and Dr. Hennet that identify the person doing the work; the task being done; and the number of hours worked per task or per day, to the extent these records exist. You stated in your letter of April 21 that the United States is working to gather and produce more detailed timekeeping records. If you can produce those today or tomorrow, that may alleviate raising this with the Court at the hearing on Monday.

Similarly, PLG maintains that it is entitled to past billing records of SSPA regarding work related to Camp Lejeune. Again, you have indicated that the United States will supplement its production with "basic" compensation information or documents related to SSPA's work for DOJ in the past. If you can produce those today or tomorrow, that may alleviate raising this with the Court at the hearing on Monday.

Regarding documents related to Dr. Spiliotopoulos's attendance at the two-day 2005 Expert Peer Review Panel meeting, Dr. Spiliotopoulos testified that when he attended the meeting, he did not know who his client was, he did not know if he was attending that meeting for a litigation purpose, and he did not have any opinions regarding Camp Lejeune at that time because "I didn't know enough about it, and I was not familiar with that work at all." Spiliotopoulos Deposition at 115, 118, 123. Thus, it seems very unlikely that any notes or documents related to attendance at a meeting under those circumstances would comprise a draft expert report. If the United States does not agree to produce Dr. Spiliotopoulos's documents related to his attendance at the 2005 Expert Peer Review Panel meeting, PLG requests a privilege log be produced before Monday related to these documents in order to aid the parties and the Court at oral argument.

Regarding the "interview summaries," please identify which "interview summaries" Dr. Spiliotopoulos reviewed and relied upon for his expert report. See Spiliotopoulos Report at 1. At deposition, he testified that this related to documents from his site visit. If that is not the case, which "interview summaries" is he relying upon, and have they been produced?

I am available to meet and confer today or tomorrow morning if that would be helpful in resolving any of these issues before Monday.

Thank you,  
Laura

**Laura Baughman, Esq. | Weitz & Luxenberg, PC**  
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**From:** Anwar, Haroon (CIV) <[Haroon.Anwar@usdoj.gov](mailto:Haroon.Anwar@usdoj.gov)>  
**Sent:** Monday, April 21, 2025 6:23 PM  
**To:** Baughman, Laura <[lbaughman@weitzlux.com](mailto:lbaughman@weitzlux.com)>  
**Cc:** Ed Bell <[jeb@belllegalgroup.com](mailto:jeb@belllegalgroup.com)>; zina.bash <[zina.bash@kellerpostman.com](mailto:zina.bash@kellerpostman.com)>; Scalise Johnson, Margaret <[mscalise@motleyrice.com](mailto:mscalise@motleyrice.com)>; Havai, Deanna <[dhavai@motleyrice.com](mailto:dhavai@motleyrice.com)>; Dawn Bell <[dbell@belllegalgroup.com](mailto:dbell@belllegalgroup.com)>; kdean@motleyrice.com; Bolton, Devin <[dbolton@weitzlux.com](mailto:dbolton@weitzlux.com)>; O'Leary, Allison (CIV) <[Allison.O'Leary@usdoj.gov](mailto:Allison.O'Leary@usdoj.gov)>; Bain, Adam (CIV) <[Adam.Bain@usdoj.gov](mailto:Adam.Bain@usdoj.gov)>; Lipscomb, Bridget (CIV) <[Bridget.Lipscomb@usdoj.gov](mailto:Bridget.Lipscomb@usdoj.gov)>; Antonucci, Giovanni (CIV) <[Giovanni.Antonucci@usdoj.gov](mailto:Giovanni.Antonucci@usdoj.gov)>; Silverstein, Kailey (CIV) <[Kailey.Silverstein@usdoj.gov](mailto:Kailey.Silverstein@usdoj.gov)>; Horan, Alanna R. (CIV) <[Alanna.R.Horan@usdoj.gov](mailto:Alanna.R.Horan@usdoj.gov)>; Anwar, Haroon (CIV) <[Haroon.Anwar@usdoj.gov](mailto:Haroon.Anwar@usdoj.gov)>  
**Subject:** RE: Follow-up regarding Hennet and Spiliotopoulos depositions and related document production

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Laura,

Please find attached a response to your April 16, 2025, letter. Let us know if we need to meet and confer further.

Thanks,

Haroon



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**To:** O'Leary, Allison (CIV) <[Allison.O'Leary@usdoj.gov](mailto:Allison.O'Leary@usdoj.gov)>; Platt, Elizabeth K. (CIV) <[Elizabeth.K.Platt@usdoj.gov](mailto:Elizabeth.K.Platt@usdoj.gov)>; Bain, Adam (CIV) <[Adam.Bain@usdoj.gov](mailto:Adam.Bain@usdoj.gov)>; Lipscomb, Bridget (CIV) <[Bridget.Lipscomb@usdoj.gov](mailto:Bridget.Lipscomb@usdoj.gov)>; Anwar, Haroon (CIV) <[Haroon.Anwar@usdoj.gov](mailto:Haroon.Anwar@usdoj.gov)>  
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**Subject:** [EXTERNAL] RE: Follow-up regarding Hennet and Spiliotopoulos depositions and related document production

Counsel:

Please see the attached correspondence.

Thank you,

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**From:** Dean, Kevin R. <[kdean@motleyrice.com](mailto:kdean@motleyrice.com)>

**Sent:** Monday, March 24, 2025 4:50 PM

**To:** [allison.o'leary@usdoj.gov](mailto:allison.o'leary@usdoj.gov); [elizabeth.k.platt@usdoj.gov](mailto:elizabeth.k.platt@usdoj.gov)

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**Subject:** Re: Hennet Depo Follow-up

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Copying Haroon and Dawn whom I omitted by mistake.

Thanks



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**From:** Dean, Kevin R.

**Sent:** Monday, March 24, 2025 4:40:41 PM

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**Subject:** Hennet Depo Follow-up

Allison/Elizabeth:

Good afternoon.

I am following up on a couple items that came up during Drs. Spiliotopolus and Hennet depositions (reserving the right to raise others once we get transcript) last week:

1. Billing records produced are simple summaries without the back-up "copy" referred to in the meta-data, they don't include all the documents received by DOJ to support the billing summaries, and we don't have all the "contracts" and "purchase orders" that are referred to in the public website exhibit I marked in the deposition. ON the invoices you did produce, they reference these same contracts and purchase orders. Furthermore, given the nature of all the requests in the served subpoena and the testimony of Dr. Hennet, clearly more documents exist, including billing records for over \$800k paid by DOJ to SSPA since 2005, all of which have not been produced;
- 2.
3. Original native photos with meta data produced of the 2/11 photos. That production does not comply with the ESI order, and Dr. Hennet testified he sent you original photos. We need the original native photos asap please for Dr. Sabatini's inspection and review please; and
- 4.
5. All notes and photos taken by these experts not yet produced (both testified to other notes in their original files, interview notes, etc.).

As indicated above, we may have other specific issues to raise concerning the deficient responses by the DOJ and its experts in the production to date and responsive to these subpoenas, and will raise later if needed and reserve that right.

we are also waiting to hear back from DOJ on the alleged claw-back of exhibit 7 in Hennet depo, and Laura's request to allow expert and lawyer inspections consistent with the latitude provided to Dr. Hennet 2/11/2025.

If you would like to have a meet and confer, please let us know and we can arrange later this week.

Thank you,

Kevin



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